

Extension of winter-feed facilities of game animals.

Proviso.
Expenditures not to exceed the contribution of combined total with private, etc., agencies.

National Forests and the Yellowstone National Park, and to improve and extend the winter-feed facilities of the elk, antelope, and other game animals of Yellowstone National Park and adjacent land, and for other purposes" : *Provided*, That the total expenditures from this appropriation shall not exceed the combined total of the sums contributed by private or other agencies under the provisions of clause (a) of section 1 of said Act, and the appraised values of land donated or bequeathed under the provisions of clause (b) of section 1 of said Act.

Approved, May 18, 1928.

May 18, 1928.

[S. 4034.]

[Public, No. 426.]

CHAP. 627.—An Act Authorizing the Calhoun Bridge Company, an Illinois corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Illinois River at or near Grafton, Illinois.

Illinois River.
Calhoun Bridge
Company may bridge,
at Grafton, Ill.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, the Calhoun Bridge Company, an Illinois corporation, its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Illinois River, at a point suitable to the interests of navigation, at or near Grafton, Illinois, in accordance with the provisions of the Act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Construction.
Vol. 34, p. 84.

Construction as railroad or highway bridge, or both.

SEC. 2. The Calhoun Bridge Company, its successors and assigns, is authorized to construct, maintain, and operate such bridge and the necessary approaches thereto as a railroad bridge for the passage of railway trains or street cars, or both, or as a highway bridge for the passage of pedestrians, animals, and vehicles, adapted to travel on public highways, or as a combined railroad and highway bridge for all such purposes; and there is hereby conferred upon the said Calhoun Bridge Company, its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

Right to acquire real estate, etc., for location, approaches, etc.

Condemnation proceedings.

Acquiring of highway bridge authorized, after completion, by Illinois, etc.

SEC. 3. After the completion of such bridge, as determined by the Secretary of War, if the same is constructed as a highway bridge only, either the State of Illinois, any political subdivision thereof, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of twenty years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum

Compensation if acquired by condemnation.

Limitations.

of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per centum of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 4. If such bridge shall at any time be taken over or acquired by the State of Illinois or by any municipality or other political subdivision or public agency thereof, under the provisions of section 3 of this Act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed twenty years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

Tolls under State,
etc., operation.

Rates applied to operation,
sinking fund,
etc.

Maintenance as free
bridge, etc., after amortizing costs.

Record of expenditures and receipts.

SEC. 5. If such bridge is constructed as a combined railroad bridge for the passage of railway trains or street cars, and a highway bridge for the passage of pedestrians, animals, and vehicles, then the right of purchase and condemnation conferred by this Act shall apply to a right of way thereover for the passage without cost of persons, animals, and vehicles adapted to travel on public highways; and if the right of purchase or condemnation shall be exercised as to such right of way over the bridge, then the measure of damages or compensation to be allowed or paid for such right of way shall be a sum equal to the difference between the actual fair cash value of such bridge determined in accordance with the provisions of section 3 of this Act, and what its actual fair cash value so determined would have been if such bridge had been constructed as a railroad bridge only. If the right of purchase or condemnation conferred by this Act shall be exercised as to the right of way over such bridge, then that part of the bridge which shall be purchased or condemned and shall be thereafter actually used for the passage of pedestrians, animals, or vehicles, shall be maintained, operated, and kept in repair by the purchaser thereof.

Right of way for free
passage over highway
bridge.

Compensation for acquiring.

Maintenance by purchaser.

SEC. 6. The Calhoun Bridge Company, its successors and assigns, shall, within ninety days after the completion of such bridge, file with the Secretary of War and with the highway department of the State of Illinois a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the highway department of the State of Illinois shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of construction, financing, and promoting such bridge. For the purpose of

Statement of construction cost, etc., to be filed after completion.

Examination by Secretary of War.

Findings of Secretary
conclusive.

Tolls authorized.

Vol. 34, p. 85.
Contract with public
utilities for use of
bridge authorized.

Tolls in absence of
contract.

Vol. 34, p. 85.
Right to sell, etc.,
conferred.

Amendment.

such investigation the said Calhoun Bridge Company, its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 3 of this Act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The Calhoun Bridge Company, its successors and assigns, is hereby authorized and empowered to fix and charge just and reasonable tolls for the passage of such bridge of pedestrians, animals, and vehicles adapted to travel on public highways, and the rates so fixed shall be the legal rates until the Secretary of War shall prescribe other rates of toll as provided in the Act of March 23, 1906; and if said bridge is constructed as a railroad bridge, or a joint railroad and highway bridge, as provided in this Act, the said Calhoun Bridge Company, its successors and assigns, is hereby authorized to fix by contract with any person or corporation desiring the use of the same for the passage of railway trains or street cars, or for placing water or gas pipe lines or telephone or telegraph or electric light or power lines, or for any other such purposes, the terms, conditions, and rates of toll for such use; but in the absence of such contract, the terms, conditions, and rates of toll for such use shall be determined by the Secretary of War as provided in said Act of March 23, 1906.

SEC. 8. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this Act is hereby granted to the Calhoun Bridge Company, its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 9. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, May 18, 1928.

May 18, 1928.
[S. 4045.]
[Public, No. 427.]

CHAP. 628.—An Act Granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the French Broad River on the Newport-Asheville (North Carolina) Road near the town of Del Rio in Cocke County, Tennessee.

French Broad River.
Tennessee may
bridge, at Del Rio.

Construction.
Vol. 34, p. 84.

Amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the highway department of the State of Tennessee, and its successors and assigns, to construct, maintain, and operate a free highway bridge and approaches thereto across the French Broad River, at a point suitable to the interests of navigation, on the Newport-Asheville (North Carolina) Road near the town of Del Rio, in Cocke County, in the State of Tennessee, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, May 18, 1928.